

MANDATORY CHAMBERS COPY

MAYER BROWN LLP
Carmine R. Zarlenga (D.C. Bar No. 286244)
czarlenga@mayerbrown.com
1999 K Street, N.W.
Washington, D.C. 20006-1101
Telephone: (202) 263-3000
Facsimile: (202) 263-3300

MAYER BROWN LLP
Dale J. Giali (Cal. Bar No. 150382)
dgiali@mayerbrown.com
350 South Grand Avenue
25th Floor
Los Angeles, CA 90071-1503
Telephone: (213) 229-9500
Facsimile: (213) 625-0248

Attorneys for Defendant

DREYER'S GRAND ICE CREAM, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

SKYE ASTIANA, et al.,
Plaintiffs,

vs.

DREYER'S GRAND ICE CREAM, INC.,
Defendant.

) Case No. C11-02910 EMC
) consolidated with
) Case No. C11-3164 EMC

[proposed]

**ORDER RE FILING OF AN
AMENDED COMPLAINT AND
RESPONSE TO SAME**

) Date: March 23, 2012
) Time: 11:30 a.m.
) Dept.: Courtroom 5, 17th Floor

PAMELA RUTLEDGE-MUHS, et al.,
Plaintiffs,

v.

DREYER'S GRAND ICE CREAM, INC.,
Defendant.

1 Having received and reviewed the parties' March 16, 2012 joint report, having
2 heard from counsel at the March 23, 2012 case management conference, and good cause
3 appearing, it is hereby **ORDERED** that:

4 1. Plaintiffs shall file their amended, consolidated complaint by March 30,
5 2012. The amended complaint will include, among other claims, a claim for damages
6 under California's Consumers Legal Remedies Act ("CLRA"). Simultaneously,
7 plaintiffs will serve a supplemental CLRA demand letter. Defendant Dreyer's Grand
8 Ice Cream, Inc. will not challenge the supplemental CLRA demand letter or the
9 amended claim for damages under the CLRA on the grounds that the supplemental
10 demand letter was not served 30 days prior to the filing/service of the amended
11 complaint pursuant to Cal. Civil Code § 1782(a). Dreyer's otherwise retains any and all
12 objections, arguments and defenses it may have with respect to any CLRA demand
13 letter relating to this action, as well as with respect to any claims for damages under the
14 CLRA.

15 2. Dreyer's shall respond to the consolidated amended complaint by May 1,
16 2012. If Dreyer's responds by motion, plaintiffs shall file opposition to the motion by
17 June 1, 2012. Dreyer's shall file a reply in support of the motion by June 15, 2012.


18 3. The motion shall be noticed for hearing on June 29, 2012.

19 4. The parties may serve written discovery. Responses to any written
20 discovery, however, shall be due no earlier than four weeks from the date Dreyer's
21 answers the operative complaint. Until a complaint survives a motion to dismiss fully
22 intact, or Dreyer's otherwise decides to answer the then-operative complaint, the parties
23 shall not be required to engage in the Rule 26 early meeting of counsel or disclosures
24 and may not notice or engage in deposition discovery. Once a complaint is set in this
25 action and not subject to further motion to dismiss, a continued case management
26 conference will be set for a date approximately 30 days thereafter, and the provisions of
27 Rules 26 and 16 shall apply (e.g., early meeting of counsel, joint report to the Court,
28

1 initial disclosures, etc.) as if the to-be-set continued case management conference is the
2 initial case management conference. Further CMC set @ 7/27/12 at 10³⁰ am.

3 CMC statement filed by 7/20/12
4 IT IS SO ORDERED.

5 Dated: March 27, 2012



6
7
8 Judge Edward M. Chen